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Guest columnist

# There is no right to disclose secrets

WASHINGTON — Classified information is unlawfully disclosed to the media with startling frequency. These unlawful disclosures, commonly called "leaks," damage our national interests by providing valuable information to our adversaries and by impairing the conduct of American national security policy.

President Reagan's recent directive to protect against these unlawful disclosures deals solely with *classified* information. By executive order, classification cannot be used to conceal violations of law, inefficiency, or administrative error, or to prevent embarrassment to a government agency or employee.

The unauthorized disclosure of classified information has been specifically prohibited by a series of executive orders dating back to 1940. Virtually all such disclosures are also likely to violate one or more federal criminal statutes. While enactment of a new criminal statute could be useful in some cases, it is clear that leaks are already against the law.

There is no First Amendment right to leak classified information to the press. Government employees who are entrusted with such information have a fiduciary duty to protect it from unauthorized disclosure. The president's directive makes it clear that employees who deliberately violate this trust will be denied further access to classified information. Additional administrative sanc-

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tions can include demotion or firing.

None of the provisions in the directive is totally new. What it requires is more uniform application of practices that are already followed in parts of the government.

For example, the polygraph is already used on a regular basis in our intelligence agencies and for certain purposes elsewhere in the government. The new directive authorizes a limited expansion in the use of this technique to investigate unlawful disclosures.

Another provision increases the number of government employees who are required to sign agreements for pre-publication review of future writings. Such agreements have been used by the CIA for years, and in 1980 the Supreme Court approved their use in *Snepp vs. United States*. The sole purpose of pre-publication review is to permit deletion of classified information before it is made public. This program does not permit the government to censor material because it is embarrassing or critical.

Unlawful disclosure of classified information is a longstanding problem. President Reagan's directive is not expected to solve the problem overnight. We do expect that it will improve our ability to enforce the law, and, over time, reduce the frequency and seriousness of such disclosures.